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SUBJECT: USUN REITERATES REQUEST TO JOIN UK EFFORT TO  
ESTABLISH SPECIAL COURT FOR SIERRA LEONE RESIDUAL MECHANISM  
AT THE UN SECURITY COUNCIL

REF: USUN 737

¶1. (SBU) This is an action request. Please see paragraph  
¶6.

¶2. (SBU) On July 31 of this year, USUN recommended that the Department support the United Kingdom's effort to shift the establishment of the Special Court for Sierra Leone's residual mechanism to the UN Security Council and to fund this residual mechanism through UN assessed contributions. Time is now running short, and USUN urgently needs a response from the Department.

¶3. (SBU) On Friday, September 25, Legoff met with two officers of the UK Mission, who reiterated the UK's request that the United States support the UK's proposal that the Security Council establish the residual mechanism for the Special Court for Sierra Leone, and that it be funded through assessed contributions. The UK asserted that several steps need to be taken in order for the Security Council to establish the residual mechanism for the Special Court for Sierra Leone: First, the Russians and Chinese (as well as the French) will need to be persuaded that the Security Council should take this issue on. Second, the Security Council experts would need to meet at length to familiarize themselves with the issue and debate it. Third, the Security Council would need to negotiate a resolution that would adopt a statute establishing the residual mechanism, well in advance of the date of commencement of the residual mechanism. Given the relatively slow pace of the Security Council Informal Working Group on the Yugoslavia and Rwanda Tribunals, and the fact that the Special Court for Sierra Leone is scheduled to finish its cases in early 2011, it is essential that work begin as soon as possible at the Security Council on the Special Court for Sierra Leone.

¶4. (SBU) The UK advised that it will not approach Russia or China or others to lobby for its view without clear US support, as it understandably would not wish to be undercut by the United States. Meanwhile, the Management Committee of the Special Court for Sierra Leone meets regularly to review residual mechanism issues, and the US is unable to express support for the Security Council taking this issue on. The delay in our response is no longer tenable.

¶5. (SBU) The UK envisages, ideally, that the residual mechanism for the Special Court for Sierra Leone would eventually merge with the residual mechanism for the Yugoslavia and Rwanda Tribunals, given that many similar functions will be performed by all three residual mechanisms. This would lead to a more streamlined, efficient structure and would reduce costs. The details would be subject to negotiation at the Security Council, but these negotiations cannot begin without Department authorization.

¶6. (SBU) Action request: For the reasons detailed in

reftel and above, USUN requests authorization, by close of business Friday, October 2, to join with the UK in proposing that the Security Council establish the residual mechanism of the Special Court for Sierra Leone, including its funding through assessed contributions from the U.N. budget.

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